

## **Virginia Article 1- Federal Operating Permit Title V Operating Permit**

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-308 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia Electric and Power Company
Facility Name:	Darbytown Combustion Turbine Station
Facility Location:	Darbytown Road and Laburnum Avenue Richmond, Virginia 23231
Registration Number:	50997
County Plant Number:	087-0156
Permit Number:	VA-50997

May 30, 2003  
Effective Date

**DRAFT**  
Amended Date

May 31, 2008  
Expiration Date

\_\_\_\_\_  
Robert G. Burnley  
Director, Department of Environmental Quality

\_\_\_\_\_  
Signature Date

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## **I. Facility Information**

### **Permittee**

Virginia Electric and Power Company  
5000 Dominion Boulevard  
Glen Allen, VA 23060

### **Responsible Official**

Mr. O. P. Sloane III  
Station Director

### **Facility**

Darbytown Power Station  
Darbytown Road and South Laburnum Avenue  
Richmond, VA 23231

### **Contact Person**

Ms. Pamela F. Faggert  
Vice-President and Chief Environmental Officer  
804-273-3467

**Registration Number: 50997**

**County Plant Identification Number: 087-0156**

**Facility Description: SIC Code 4911**

The Virginia Electric Power Darbytown Combustion Turbine Station is an electric power generation facility. Natural gas is received via gas pipelines to operate up to four General Electric Model PG711-EA simple cycle gas turbines each rated at  $1,308 \times 10^6$  Btu per hour on natural gas. No. 2 Fuel Oil is also available to fire any or all of the turbines, which are rated at  $1,250 \times 10^6$  Btu per hour for No. 2 distillate oil.

The turbines were originally installed in 1989 and all turbines are subject to the requirements of 40 CFR 60, Subpart GG. The facility is a Title V major source of SO<sub>2</sub> and NO<sub>x</sub> pollutants. This source is located in an attainment area for all pollutants, and is a minor source under PSD regulations. The area is a VOC control area with an EPA approved maintenance plan. The facility was originally permitted under an NSPS Permit issued on September 7, 1989. The facility was modified as reflected in a permit issued on May 1, 2000 to add inlet air-cooling. This permit was amended on January 10, 2003, to clarify ambiguous terms relating to the operation of the inlet air cooling system. This permit was amended on **DRAFT** to further clarify periodic monitoring of the turbines.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity *	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
ES-1a	EP-1	General Electric PG7111-EA Turbine Unit 1 firing gas	1308 MMBTU/hr	water injection	CD-1	NOx	1/10/03
ES-1b	EP-1	General Electric PG7111-EA Turbine Unit 1 firing oil	1250 MMBTU/hr	water injection	CD-1	NOx	1/10/03
ES-2a	EP-2	General Electric PG7111-EA Turbine Unit 2 firing gas	1308 MMBTU/hr	water injection	CD-2	NOx	1/10/03
ES-2b	EP-2	General Electric PG7111-EA Turbine Unit 2 firing oil	1250 MMBTU/hr	water injection	CD-2	NOx	1/10/03
ES-3a	EP-3	General Electric PG7111-EA Turbine Unit 3 firing gas	1308 MMBTU/hr	water injection	CD-3	NOx	1/10/03
ES-3b	EP-3	General Electric PG7111-EA Turbine Unit 3 firing oil	1250 MMBTU/hr	water injection	CD-3	NOx	1/10/03
ES-4a	EP-4	General Electric PG7111-EA Turbine Unit 4 firing gas	1308 MMBTU/hr	water injection	CD-4	NOx	1/10/03
ES-4b	EP-4	General Electric PG7111-EA Turbine Unit 4 firing oil	1250 MMBTU/hr	water injection	CD-4	NOx	1/10/03

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement, rating cited on a nominal basis.

### III. Fuel Burning Equipment Requirements

#### A. Limitations

1. **Emission Controls** - Nitrogen oxide emissions from the simple cycle combustion turbines shall be controlled by the utilization of water injection when firing natural gas and No.2 distillate fuel oil. The simple cycle combustion turbines shall be provided with adequate access for inspection.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.332, and Condition 3 of the 1/10/03 Permit)
2. **Emission Controls** - Sulfur dioxide emissions from the simple cycle combustion turbines shall be controlled by the use of low sulfur fuels.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.333 and Condition 4 of the 1/10/03 Permit)
3. **Emission Controls** - Particulate matter emissions from the simple cycle combustion turbines shall be controlled by the use of clean burning fuels and good combustion operating practices.  
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 5 of the 1/10/03 Permit)
4. **Emission Controls** - Volatile organic compounds and carbon monoxide emissions from the simple cycle combustion turbines shall be controlled by the use of good combustion practices.  
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 6 of the 1/10/03 Permit)
5. **Process Controls** - To comply with the short-term emissions limits in this permit, the control system for each inlet air cooling system shall be programmed with interlocks such that each cooling system can only be operated when the ambient air temperature exceeds 60° F and the associated turbine is operating at a load that exceeds 60 megawatts.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20 C, and Condition 7 of the 1/10/03 Permit)
6. **Operating Parameters** - The Inlet Air Cooling Systems, for each of the four gas turbines, shall only be used when the combustion turbines are operating at 60 megawatts or greater.  
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 13 of the 1/10/03 Permit)
7. **Fuel** - The approved fuels for the simple cycle combustion turbines are pipeline quality natural gas (primary fuel) and No. 2 distillate fuel oil (back-up fuel). Distillate oil is defined as fuel oil that meets the specifications for Fuel Oil Numbers 1 or 2 under the American Society for Testing and Materials, ASTM 396-78 Standard Specification for Fuel Oils, or other approved ASTM method, incorporated in 40 CFR 60 by reference. A change in the fuels may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 14 of the 1/10/03 Permit)

8. **Fuel** - The maximum sulfur content of the natural gas to be burned in the simple cycle combustion turbines shall not exceed 0.06 weight percent.  
(9 VAC 5-80-110 and Condition 16 of the 1/10/03 Permit)
9. **Fuel** - The maximum sulfur content of the oil to be burned in the simple cycle combustion turbine shall not exceed 0.20 weight percent per shipment. The maximum Fuel Bound Nitrogen (FBN) content of the oil to be burned in the simple cycle combustion turbine shall not exceed 0.05 weight percent per shipment.  
(9 VAC 5-80-110 and Condition 17 of the 1/10/03 Permit)
10. **Fuel Throughput** - The four simple cycle combustion turbines combined shall not consume more than the quantity of natural gas and No. 2 distillate oil fuel annually, calculated monthly as the sum of each consecutive 12 month period., as follows:
- a. Natural gas – 3,100,000,000 scf annually when firing natural gas 100% of the time.
  - b. No. 2 distillate oil –  $13,600,000 - 2,100,000 * (FBN - 0.015)/0.035$  gallons annually when firing No. 2 distillate oil 100% of the time. Fuel Bound Nitrogen (FBN) is equal to % FBN by weight annual average, but not less than 0.015% firing No. 2 distillate oil 100% of the time.
  - c. When the four simple cycle combustion turbines are firing both No. 2 distillate oil and natural gas during the period individually or in combination, the annual consumption shall be limited by the following equation to limit NO<sub>x</sub> and SO<sub>2</sub> to less than 250 tons per year, where:  $(\text{scf natural gas used} / 3,100,000,000 \text{ scf}) + (\text{gallons of No. 2 distillate oil used} / \text{No.2 distillate oil limit in gallons from b.})$  is less than or equal to 1.

(9 VAC 5-80-110 and Condition 15 of the 1/10/03 Permit)

11. **Emission Limits** - Short-term emission limits from the operation of each simple cycle combustion turbine while fired on natural gas shall not exceed the limits specified below (except during start-up, shutdown and malfunction conditions):

PM		6.3 lbs/hr
PM10		6.3 lbs/hr
SO <sub>2</sub>	$5.1 \times 10^{-2} \text{ lbs}/10^6 \text{ Btu}$	66.0 lbs/hr
VOC		2.0 lbs/hr
Carbon monoxide		26.5 lbs/hr
Nitrogen oxides	42 ppm <sub>dv</sub> @ 15% O <sub>2</sub>	199.4 lbs/hr

(9 VAC 5-80-110, 9VAC 5-50-260, 40 CFR 60.332-3, and Condition 18 of the 1/10/03 Permit)

12. **Emission Limits** - Short-term emission limits from the operation of each simple cycle combustion turbine while fired on No. 2 distillate fuel oil shall not exceed the limits specified below (except during start-up, shutdown and malfunction conditions):

PM		12.5 lbs/hr
PM10		12.5 lbs/hr
SO2	$2.0 \times 10^{-1}$ lbs/10 <sup>6</sup> Btu	253.7 lbs/hr
VOC		6.3 lbs/hr
Carbon monoxide		28.6 lbs/hr
Nitrogen oxides	*65 ppmdv @ 15% O <sub>2</sub>	321.6 lbs/hr
*(Fuel Bound Nitrogen less than 0.015% by weight)		
Nitrogen oxides	*77 ppmdv @ 15% O <sub>2</sub>	381.4 lbs/hr
*(Fuel Bound Nitrogen less than or equal to 0.05% by weight)		

(9 VAC 5-80-110, 9VAC 5-50-260, 40 CFR 60.332-3, and Condition 19 of the 1/10/03 Permit)

13. **Operational Definitions** - The terms "start-up" and "shutdown" shall be defined as follows:

Start-up: The period, for each unit start command, from the beginning of "warm up" control mode or from the point a restart is issued for a running unit in shutdown mode and continuing to the end of the first hour of water injection logging for NOx control.

Shutdown: The period, for each unit stop command, from when the control "shutdown" mode begins and continuing until no fuel is being combusted or until a restart command is received, whichever occurs first.

(9 VAC 5-80-110 and Condition 20 of the 1/10/03 Permit)

14. **Visible Emission Limit** - Visible emissions from the simple cycle combustion turbines shall not exceed ten percent (10%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction. (9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20 and Condition 22 of the 1/10/03 Permit)

15. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the simple cycle combustion turbines shall be operated in compliance with all applicable requirements of 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines. (9 VAC 5-80-110, 40 CFR 60.330, and Condition 23 of the 1/10/03 Permit)

16. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the combustion turbine generating station comply with all applicable provisions of 40 CFR Part 75. (9 VAC 5-140-10 et seq. and 40 CFR 75)



17. **Operation and Maintenance** – Combustion turbine emissions shall be controlled by proper operation and maintenance. Turbine operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.  
(9 VAC 5-80-110 and 9 VAC 5-50-20)

## **B. Monitoring**

1. **Monitoring Devices** - A continuous monitoring system shall be installed and operated to indicate/determine and record the hourly fuel consumption (in scf/hour and gallons/hour) and the ratio of water to fuel oil being fired in each simple cycle combustion turbine. The system shall be accurate to within  $\pm 5.0$  percent as approved by the DEQ, Piedmont Regional Office (PRO). The monitoring system shall be operated at all times that water is being injected into the simple cycle combustion turbines. The monitoring system shall be maintained and calibrated in accordance with the manufacturer's specifications. The Permittee shall maintain the records of the simple cycle combustion turbine fuel oil consumption and ratio of water to fuel oil being fired at the site. These records shall be kept on file for the most current five-year period and available for inspection by DEQ personnel.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20, 40 CFR 60.334, and Condition 8 of the 1/10/03 Permit)
2. **Monitoring Requirements** - The permittee shall monitor the sulfur content of the natural gas being fired in the simple cycle combustion turbines, in accordance with subpart GG of the NSPS and the US EPA custom fuel monitoring schedule, approved on July 2, 1998. These records shall be available on site for inspection by the DEQ and kept on file for the most current five-year period.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20 C, and Condition 9 of the 1/10/03 Permit)
3. **Monitoring Requirements** - The permitted facility shall not be required to monitor the nitrogen content of the natural gas fuel (previously required by NSPS Subpart GG). The nitrogen-monitoring requirement has been waived, by the Administrator of the US EPA, in the US EPA custom fuel-monitoring schedule, approved on July 2, 1998.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20, 40 CFR 60.334, and Condition 10 of the 1/10/03 Permit)
4. **Monitoring Requirements** - The permittee shall test the No.2 distillate fuel oil for sulfur and nitrogen content on each occasion that fuel is transferred (as referenced in Appendix A) to the storage tanks, from any other source or fuel vendor. Fuel oil sulfur content shall be determined using ASTM D2880-78 or another approved ASTM method incorporated in 40 CFR 60 by reference. Fuel oil nitrogen content shall be determined by following current ASTM procedures approved by the Administrator of the US EPA. Initial test methods and changes to test methods used by the permittee to determine sulfur and nitrogen content shall be submitted to and approved by the Piedmont Regional Office (PRO) of the DEQ. Records of fuel oil

sulfur and nitrogen content shall be available on site for inspection by DEQ personnel. They shall be kept on file for the most current five year period.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-20, 40 CFR 60.334-5, and Condition 11 of the 1/10/03 Permit)

**5. Operation & Maintenance Procedures** - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the combustion turbines:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the turbines.
- b. Develop an inspection schedule, monthly at a minimum, to insure operational integrity of the turbines and maintain records of inspection results.
- c. Have available written operating procedures for the turbines. These procedures shall be based on the manufacturer's recommendations, at a minimum, if such recommendations exist.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance, inspections, and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-80-110, 9 VAC 5-40-20, 9 VAC 5-50-20, and Condition 33 of the 1/10/03 Permit)

**C. Recordkeeping**

- 1. Emission Records Methodology** - The continuous water to fuel ratio monitor required by this permit, the continuous monitoring data, and the quality assurance data shall, at the discretion of the Board, be used in calculating emissions to determine compliance with the NO<sub>x</sub> emission limits and/or relevant emission standards. Each monitor is subject to such data capture requirements and/or quality assurance requirements as specified in this permit and as may be deemed appropriate by the Board (40 CFR 60.13 and 40 CFR 60 Appendix B).  
(9 VAC 5-80-110 and Condition 27 of the 1/10/03 Permit)

2. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:
- a. Annual and specific hours of operation of the Inlet Air Conditioning Systems, annual hours calculated monthly as the sum of each consecutive 12 month period.
  - b. Continuous megawatt generation rate during the period in which the Inlet Air Conditioning Systems are in operation.
  - c. Hourly, monthly, and annual consumption of natural gas and fuel oil. Annual consumption to be calculated monthly as the sum of each consecutive 12 month period. Ratio of water to fuel for each fuel being fired shall accompany the hourly consumption record.
  - d. Tests of the sulfur content of natural gas being fired in accordance with subpart GG of the NSPS and the US EPA custom fuel monitoring schedule, approved on July 2, 1998.
  - e. Tests for the sulfur and nitrogen content of all shipments of fuel oil delivered to the facility.
  - f. Calculations to demonstrate compliance with the fuel limitation requirements for any annual period when fuel oil was fired.
  - g. Results of all stack tests, visible emission evaluations and performance evaluations.
  - h. Continuous water-to fuel ratio monitoring system calibrations and calibration checks.
  - i. Scheduled and unscheduled maintenance of the turbines and associated monitoring systems.
  - j. Records of operator training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.334-5, and Condition 28 of the 1/10/03 Permit)

#### D. Testing

1. **Testing/Monitoring Ports** - The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the appropriate locations.  
(9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 12 of the 1/10/03 Permit)
2. **Stack Tests** - Upon request by the DEQ, but not less than once during the first twenty-four months of this permit, the permittee shall conduct performance tests for nitrogen oxides from the simple cycle combustion turbines to demonstrate compliance with the emission limits contained in this permit. Results from these tests shall also be used to verify the accuracy of emission factors used in emissions estimates. The details of the tests shall be arranged with the Director, Piedmont Regional Office. The permittee may comply with this condition in accordance with the requirements of 9 VAC 5-140-700 et seq. and 40 CFR 75.  
(9 VAC 5-50-30, 9 VAC 5-80-110, 9-VAC 5-140-10 et seq., 40 CFR Part 75, and Condition 25 of the 1/10/03 Permit)
3. **Stack Tests** - Upon request by the DEQ, the permittee shall conduct performance tests for sulfur dioxide, carbon monoxide, particulate matter, PM-10 and/or volatile organic compounds from the simple cycle combustion turbines to demonstrate compliance with the emission limits contained in this permit. Results from these tests shall also be used to verify the accuracy of emission factors used in emissions estimates. The details of the tests shall be arranged with the Director, Piedmont Regional Office.  
(9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 25 of the 1/10/03 Permit)
4. **Visible Emissions Evaluation** - Upon request by the DEQ, the permittee shall conduct visible emission evaluations from the simple cycle combustion turbines to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Regional Office.  
(9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 26 of the 1/10/03 Permit)
5. **Test Methods** If testing to demonstrate compliance is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NO <sub>x</sub>	EPA Method 7, 7E, 20 or other method approved by DEQ
SO <sub>2</sub>	EPA Method 6, 6C
CO	EPA Method 10 or other method approved by DEQ
PM/PM-10	EPA Method 5, 17 or other method approved by DEQ
VOC	EPA Methods 18, 25, 25a or other method approved by DEQ
Visible Emission	EPA Method 9, 22

(9 VAC 5-80-110)

## **E. Reporting**

The reporting requirements for this section are satisfied by the recordkeeping requirements in this section and the General Conditions section.

## IV. Facility Wide Conditions

### A. Limitations

1. **Plantwide Emission Limits** - The total annual emissions from the permittee's generating facility shall not exceed the limits specified below:

PM	9.5 tons/yr
PM10	9.5 tons/yr
SO2	193.2 tons/yr
VOC	4.8 tons/yr
Carbon monoxide	32.6 tons/yr
Nitrogen oxides	245.5 tons/yr

Annual emissions calculated monthly as the sum of the previous consecutive twelve month period.

(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.332-3, and Condition 21 of the 1/10/03 Permit)

2. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the fuel oil storage tanks shall be operated in compliance with all applicable requirements of 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels. At the time of issuance of this permit, the only applicable requirement is to maintain and make available on site drawings and specifications documenting the dimensions and capacity of each tank, so long as the tanks are used exclusively for fuel oil.

(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60.110b, 40 CFR 60.116b and Condition 24 of the 1/10/03 Permit)

3. **Violation of Ambient Air Quality Standard** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

(9 VAC 5-80-110, 9 VAC 5-20-180 I, and Condition 32 of the 1/10/03 Permit)

### B. Monitoring

1. The permittee shall perform visible emissions observations (VEO's) on the exhaust stack of each General Electric Model PG7111-EA simple cycle combustion turbine (ES-1, ES-2, ES-3, and ES-4) according to the following schedule:

- a. At least one VEO shall be conducted on each unit that operates for a cumulative total of 20 hours or more during the calendar year.
- b. At least one VEO shall be performed during each 200 hours of unit operation during the calendar year.
- c. At least one VEO shall be performed during any unit operability verification testing conducted during the calendar year.

Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If no visible emissions are observed, no action shall be required. However, if visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9 for a period of no less than 6 minutes. If the average opacity exceeds 10%, modifications and/or repairs shall be performed to correct the problem and the corrective measures shall be recorded. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 minutes to determine compliance with the opacity limits specified in Condition III.A.14 of this permit. The VEE observer shall be Method 9 certified.

(9 VAC 5-80-110)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:

1. Monthly, and annual consumption of natural gas and fuel oil. Annual consumption to be calculated monthly as the sum of each consecutive 12 month period. Ratio of water to fuel for each fuel being fired shall accompany the hourly consumption record.
2. Calculations to demonstrate compliance with the fuel limitation requirements for any annual period when fuel oil was fired.
3. Monthly and annual calculations of nitrogen oxides, sulfur dioxide, and carbon monoxide emissions based on water/fuel ratios, monitoring and fuel analysis data, annual emissions calculated monthly as the sum of each consecutive 12 month period.
4. A record of opacity observations, including corrective action or Method 9 observation results.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.334-5 and Condition 26 of 7/27/01 Permit)

### C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 34 of 7/27/01 Permit)
2. If testing to demonstrate compliance is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NO <sub>x</sub>	EPA Method 7, 7E, 20 or other method approved by DEQ
SO <sub>2</sub>	EPA Method 6, 6C
CO	EPA Method 10 or other method approved by DEQ
PM/PM-10	EPA Method 5, 17 or other method approved by DEQ
VOC	EPA Methods 18, 25, 25a or other method approved by DEQ
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

### D. Reporting

1. **Reports** - The permittee shall submit quarterly excess emission reports to the Piedmont Regional Office (PRO) of the DEQ within 30 days after the end of each calendar quarter or semi-annually as needed. Details of the quarterly reports are to be arranged with the Piedmont Regional Office (PRO). Each quarterly report shall cover, at a minimum, the dates included in the calendar quarter and provide the following information for each day in the quarter, report each hour during which the water to fuel ratio fell below that required to demonstrate compliance with the nitrogen oxides permit limit, copy of the written notification and corrective action taken. The report shall include the following for each period described above: start time, duration, actual and required water-to-fuel ratio, fuel type and consumption rate, nitrogen content of fuel oil (if oil-fired), ambient temperature and the simple cycle combustion turbine load. If, during the calendar quarter, there are no times when the water to fuel injection ratio fell below that required to demonstrate compliance, the permittee shall state in the quarterly report that no such events occurred during the affected calendar quarter.  
(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.7, 40 CFR 60.334, and Condition 29 of 7/27/01 Permit)

Any additional reporting requirements for this section are satisfied by the recordkeeping requirements in this section and the General Conditions section.



## V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1*	Two No. 2 Fuel Oil Storage Tanks	9 VAC 5-80-720B	VOC	3,125,000 gallons each
IS-2	Three Oil/Water Separators	9 VAC 5-80-720B	VOC	350 to 2000 gallons
IS-3	Natural Gas Heaters	9 VAC 5-80-720C	PM, CO, VOC, SO <sub>2</sub> , NO <sub>x</sub>	6.87 MMBTU/hr total
IS-4	Turbine Glycol Cooling Systems (4)	9 VAC 5-80-720B	VOC, HAP	Less than 1000 gallons total
IS-5	Turbine Lube Oil Systems (4)	9 VAC 5-80-720B	VOC	Less than 15,000 gallons total

These insignificant emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

\* Record keeping is required for this unit only, see condition IV-A-2.

## VI. Permit Shield & Streamlined Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been determined to impose limits less stringent than those already imposed by the NSR permit:

Streamlined Citation	Title of Citation	Permit Condition Covering
9 VAC 5-40-900	Particulate Matter Standard for Fuel Burning Equipment	Conditions III-A-11 and III-A-12 set limits exceeding this emission standard
9 VAC 5-40-930	Sulfur Dioxide Standard for Fuel Burning Equipment	Conditions III-A-11 and III-A-12 set limits exceeding this emission standard

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the effective date of this permit. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Piedmont Regional Office of the DEQ, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C & F, 9 VAC 5-80-110 D & 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G. [Note that much of the recordkeeping required by this permit also serves as required periodic monitoring to determine emissions compliance and therefore needs to be addressed in the periodic reports.] The details of the reports are to be arranged with the Director, Piedmont Regional Office. The reports shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- d. The report shall be sent to the following address:

Department of Environmental Quality  
Director, Piedmont Regional Office  
ATTN: Air Compliance Manager  
949-A Cox Road  
Glen Allen, VA 23060

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and to DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- 1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- 2. The identification of each term or condition of the permit that is the basis of the certification.
- 3. The compliance status.
- 4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

This annual compliance certification shall be sent to the following addresses:

Department of Environmental Quality  
Director, Piedmont Regional Office  
ATTN: Air Compliance Manager  
949-A Cox Road  
Glen Allen, VA 23060

U. S. Environmental Protection Agency, Region III  
Clean Air Act Title V Compliance Certification (3AP00)  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Piedmont Regional Office, within four (4) daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next quarterly or semi-annual compliance monitoring report required by this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Piedmont Regional Office, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the

condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Regional Office.  
(9 VAC 5-20-180 C and 9 VAC 5-80-250)

#### **G. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 & 9 VAC 5-40-20)

#### **H. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

## **I. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

## **J. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

**K. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**L. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**M. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
  - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
  - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
  - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
  - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;



- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.  
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

#### **N. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

#### **O. Duty to Submit Information**

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **P. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the proceeding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**Q. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

**R. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**S. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.  
(9 VAC 5-80-110 L)

#### **T. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9 VAC 5-80-150 E)

#### **U. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

## VIII. NO<sub>x</sub> Allowance Budget Trading Permit Requirements

### A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO<sub>x</sub> Budget Unit and is subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40, or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A for each NO<sub>x</sub> Budget source required to have a federally enforceable permit, such permit will include the NO<sub>x</sub> Allowance Budget Trading permit to be administered by the permitting authority. This section represents the NO<sub>x</sub> Budget Trading permit.  
(9 VAC 5-140-40)
2. The NO<sub>x</sub> Budget Trading permit will be administrated by the DEQ under the authority of 9 VAC 5 Chapter 80, Part II, Articles 1 and 3 (9 VAC 5-80-50 et seq. and 9 VAC 5-80-360 et seq.), and 9 VAC 5 Chapter 140, Part I (9 VAC 5-140-10 et seq.).  
(9 VAC 5-140-10)
3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO<sub>x</sub> Budget Trading program as “opt-in” air emission sources.  
(9 VAC 5-140-40 A)

Table VIII – 1 Facility NO <sub>x</sub> Budget Units				
Facility Unit ID	NATS Account ID	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts - winter max design capacity)
1	007212-000001	General Electric PG7111-EA Turbine Unit 1 firing gas and oil	1308 (gas) 1250 (oil)	92
2	007212-000002	General Electric PG7111-EA Turbine Unit 2 firing gas and oil	1308 (gas) 1250 (oil)	92
3	007212-000003	General Electric PG7111-EA Turbine Unit 3 firing gas and oil	1308 (gas) 1250 (oil)	92
4	007212-000004	General Electric PG7111-EA Turbine Unit 4 firing gas and oil	1308 (gas) 1250 (oil)	92

4. This NO<sub>x</sub> Budget Trading permit will become effective on May 31, 2004.  
(9 VAC 5-140-240.1)

## **B. Standard Requirements**

1. Monitoring requirements.
  - a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of Part I, Article 8 (9 VAC 5-140-700 et seq.).  
(9 VAC 5-140-60 B.1)
  - b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (Subpart H of 40 CFR Part 97) shall be used to determine compliance by the unit with the NO<sub>x</sub> Budget emissions limitation under paragraphs B.2.a through B.2.h.  
(9 VAC 5-140-60 B.2)
2. Nitrogen oxides requirements.
  - a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.  
(9 VAC 5-140-60 C.1)
  - b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of 9 VAC 5 Chapter 140, Part I, the Clean Air Act, and applicable Virginia Air Pollution law.  
(9 VAC 5-140-60 C.2)
  - c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004, or the date on which the unit commences operation.  
(9 VAC 5-140-60 C.3)

- d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with Part I, Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.).  
(9 VAC 5-140-60 C.4)
  - e. A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.  
(9 VAC 5-140-60 C.5)
  - f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.  
(9 VAC 5-140-60 C.6)
  - g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.  
(9 VAC 5-140-60 C.7)
  - h. Upon recordation by the administrator under Part I, Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.), every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.  
(9 VAC 5-140-60 C.8)
3. Excess emissions requirements.
- a. The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:
    - (1) Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D 1; and
    - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.  
(9 VAC 5-140-60 D)

**C. Recordkeeping and Reporting Requirements.**

The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.  
(9 VAC 5-140-60 E.1)
  - a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 E.1)
  - b. All emissions monitoring information, in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), provided that to the extent that Part I, Article 8 (9 VAC 5-140-700 et seq.) provides for a three-year period for recordkeeping, the three-year period shall apply.  
(9 VAC 5-140-60 E.1)
  - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
  - d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under Part I, Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.).  
(9 VAC 5-140-60 E.1)



#### **D. Testing**

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-140-300)

#### **E. Liability**

1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.  
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.  
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.  
(9 VAC 5-140-60 F.3)
4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 F.4)
5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.  
(9 VAC 5-140-60 F.5)
6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 F.6)

**F. Effect on Other Authorities.**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, the Clean Air Act.  
(9 VAC 5-140-60 G)